

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1, 3, 6, 9-12, 14-20 have been amended. New dependent claims 21-32 have been added, which are allowable for the reasons set forth below for their respective independent claims, and also for the additional limitations added thereby. Additionally, new independent claim 33 has been added which substantially tracks claim 18, but in program product format. Accordingly, claims 1-33 are pending in the application.

The claims have been amended to obviate the objection to the claims regarding abbreviations and to obviate the rejection of the claims under 35 USC 112 for a perceived indefiniteness of the term “and/or.” Additionally, various non-substantive amendments have been made to correct antecedence problems.

Claims 1-20 were rejected under 35 USC 103 over Oncken (4,985,833) in view of Paulson (5,893,078). This rejection is traversed and reconsideration thereof is respectfully requested.

The claims are directed to a system and method for preserving capital from demand accounts in a bank holding the demand account while at the same time using an insured interest-bearing pooled deposit account at that same bank to preserve capital for the bank for its operations, wherein the client for a given demand account can implement an unlimited number of transactions per month.

In contrast, Oncken does not keep the capital from these demand accounts in the same bank via one or more pooled deposit accounts held at that bank per the applicants' claims

(for example, claim 1 recites “transferring client funds from each of a plurality of client demand accounts to the pooled deposit account at the client’s bank or savings institution, . . . wherein the client funds are retained by the bank or savings institution, and the client may implement up to an unlimited number of transactions per month.”). Rather, Oncken’s microcomputer monitors the number of withdrawals from the pooled money market account and when the withdrawals reach five, the computer makes one last A.C.H. transaction and withdraws the entire amount from the depository bank 22 and deposits it in a different depository bank. See Oncken at column 8, lines 33-48. Thus, the operations of the present claims are not carried out by Oncken and the purpose of preserving capital at the bank with the original demand accounts is not accomplished by Oncken.

This deficiency in Oncken is not rectified by Paulson. Paulson discloses a demand account that includes a sub-demand deposit account (sub-DDA) and sub-money market account (sub-MMA) and provides for sweeps between these two sub accounts. Paulson is focused on the six transfers limit and avoids this maximum transfer limit by setting a sweep threshold by using a sweep threshold parameter based on historical activity in the DDA. Paulson states at column 5, lines 39-43 that if the DDA account reaches its six sweep limit too early in the month, then any later deposits cannot be moved into the sub-MMA. Thus, the sweep threshold is set high enough for a given client so that the maximum of six transfers per month is not reached and the amount held in the sub-MMA is maximized. This is a direct teach-away from the present invention that claims having no limit on the number of transfers. Note that this (unlimited transfers in combination with retaining substantial capital at the bank with the demand accounts) inventive feature is not taught by either reference, so that even if their teachings could be combined (which they cannot because there is no indication how to make a viable system from such combined teachings), the resulting combination is deficient in meeting the claim language.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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